

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 17, 2002 LB 824

I'm not an attorney, but I do rely on their good judgment. What they're...what they're advising me is that the prosecutor must prove beyond a reasonable doubt that the assailant, number one, knew of the pregnancy; number two, had specific intent to kill that child. Now if you have transfer of intent the...it changes because then you prove that he had specific intent, premeditated malice, to kill that woman. And if she was pregnant that intent, with premeditated malice to kill her, transfers also to the child. And I think that's the best way that I can explain...

SENATOR JONES: Yes. Well, I...

SENATOR FOLEY: ...the distinction here.

SENATOR JONES: ...Senator Bourne asked the question with him and I wanted to ask you the same question, you know, and just to try to get it clarified. But right...and I really respect Senator Brashear and his help on this and everything. Right now I'm not supporting his amendment to your amendment, but if his amendment gets on I'll support the whole bill anyway because I think...

SENATOR FOLEY: Yeah, well, I think...

SENATOR JONES: ...it's something...

SENATOR FOLEY: ...that's where...

SENATOR JONES: ...we really need.

SENATOR FOLEY: ...we, I think that's where we are with...with many people, that we want to get this bill to the Governor's desk. I think that's all of our objectives.

SENATOR JONES: Yes. Well, thank you. And I...and I strongly support the bill and I...I'll be against this recommitting it back to the committee. But I just wanted to give you that example and also show that I did have this bill before, myself, and we never got it out of committee. In fact, LaVon Crosby had one just similar to mine. Hers said "upon conception" and mine